

→ J. Bremmer -
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TO LARRY EAGLEBURGER FOR SEC. KISSINGER

FEBRUARY 27, 1974

TO : SECRETARY KISSINGER
FROM : BRENT SCOWCROFT
SUBJECT: U.S. POLICY WITH REGARD TO THE LAW OF THE WAR CONFERENCE

WE NEED TO CONSIDER URGENTLY THE POSSIBILITY THAT THE PRG AND THE GRUNK WILL BE SEATED AS FULL MEMBERS OF THE CURRENT LAW OF WAR CONFERENCE, UNDER A VOTE THAT MAY BE TAKEN IN THE NEXT DAY OR SO. STATE HAS BEEN CAMPAIGNING AGAINST THE ADMISSION OF THESE TWO PUPPETS WITH SOME VIGOR, BUT APPARENTLY WITH LESS PROSPECT OF SUCCESS THAN ON LAST YEAR'S UN VOTE CONCERNING CAMBODIA. THE DRV HAS CONDUCTED A VIGOROUS CAMPAIGN FOR THE PRG, INCLUDING A STATEMENT THAT IT MIGHT BOYCOTT THE CONFERENCE IF THE PRG IS NOT ADMITTED.

STATE TODAY HAS MADE A COUNT THAT SUGGESTS THE PRG VOTE COULD GO EITHER WAY BY TWO OR THREE VOTES, WITH THE GRUNK POSSIBLY SNEAKING IN BY AN EQUAL OR THINNER MARGIN. STATE HAS BEEN READYING ITSELF FOR THE POSSIBILITY OF DEFEAT, INSTRUCTING SAIGON TO URGE THE GVN NOT TO WALK OUT. IT HAS ALSO BEGUN TO PREPARE A FALL-BACK COMPROMISE POSITION, UNDER WHICH WE WOULD ABSTAIN ON A VOTE TO GIVE THE PRG OBSERVER STATUS IN ORDER TO HEAD OFF A VOTE ON FULL MEMBERSHIP.

THE LAW OF WAR CONFERENCE IS NOT A UN-SPONSORED CONFERENCE. IT HAS BEEN CALLED BY THE GOVERNMENT OF SWITZERLAND UNDER THE TERMS OF THE GENEVA CONVENTIONS. WE HAVE AN INTEREST IN PARTICIPATING BECAUSE THE QUESTION OF POW TREATMENT WILL ARISE AND BECAUSE WE WANT TO BE ABLE TO REFUTE THE MANY CRITICISMS THAT WILL BE MADE.

MORI/CDF
C03344231

hak
ON-FILE NSC RELEASE
INSTRUCTIONS APPLY

~~CRICS IN VIETNAM AND FISSIONABLE~~

No Objection to Declassification in Part 2010/01/04 : LOC-HAK-259-3-4-7

THERE ARE TWO ISSUES FOR US:

1. FURTHER TACTICS BEFORE THE VOTE: WHILE OUR DELEGATION AND OUR EMBASSIES HAVE BEEN CAMPAIGNING, THEY HAVE NOT YET GONE SO FAR AS THE DRV IN SUGGESTING THAT WE MIGHT OURSELVES RECONSIDER OUR PARTICIPATION IF THE PRG IS ADMITTED. WE COULD JUSTIFY SUCH RECONSIDERATION ON GROUNDS THAT, WITH THE WORLD HEALTH ORGANIZATION CONFERENCE AND THE LAW OF THE SEAS CONFERENCE COMING UP, WE WANT TO MAKE CLEAR TO EVERYBODY THAT WE WILL NOT SIT STILL FOR THIS SORT OF POLITICAL MANEUVERING AT EVERY INTERNATIONAL MEETING. OBVIOUSLY, WE COULD NOT SO THREATEN UNLESS WE WERE PREPARED TO WALK OUT IF THE VOTE GOES AGAINST US.

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AS AN ALTERNATIVE, WE COULD PASS THE WORD MORE ACTIVELY THAT WE WOULD BE PREPARED TO ACCEPT THE PRG (OR GRUNK) AS AN OBSERVER OR TO ACCEPT THE PRG AS A MEMBER OF THE DRV DELEGATION, IN ORDER TO HEAD OFF A VOTE ON FULL MEMBERSHIP. WE GATHER OUR CHIEF DELEGATE, GEORGE ALDRICH, MAY HAVE STATED THIS IN PRIVATE DISCUSSIONS IN GENEVA, BUT IT HAS NOT BECOME A FULL DIPLOMATIC EFFORT.

~~OPTION 1~~ PASS THE WORD THAT WE MAY RECONSIDER OUR PARTICIPATION.

APPROVE **DISAPPROVE**

~~OPTION 2~~ MAINTAIN OUR PRESENT POSITION THAT WE WILL STAY AND CONTINUE TO URGE THE GVN TO STAY EVEN IF THE PRG IS SEATED.

APPROVE **DISAPPROVE**

~~OPTION 3~~ PASS THE WORD WE WOULD BE PREPARED TO ACCEPT THE PRG/GRUNK AS OBSERVERS OR TO ACCEPT THE PRG AS A MEMBER OF THE DRV DELEGATION

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*See in order
Approved
by all
GJW*

*A + C
not
mutually
exclusive*

APPROVE DISAPPROVE

No Objection to Declassification in Part 2010/01/04 : LOC-HAK-259-3-4-7

2. OUR ACTUAL PARTICIPATION IF THE VOTE GOES AGAINST US: HERE WE HAVE TWO ALTERNATIVES. ONE IS TO PROTEST AND STAY, THE OTHER IS TO WALK OUT. THE FIRST ENABLES US TO PARTICIPATE IN THE WORK OF THE CONFERENCE BUT MEANS THAT WE WILL SEE THE PRG GAIN STATUS AT THIS MEETING AND AT OTHERS, EVEN THOUGH THIS CONFERENCE MAY NOT BE AN ABSOLUTE PRECEDENT SINCE IT IS NOT SPONSORED BY THE UN (PERHAPS A DISTINCTION WITHOUT A DIFFERENCE). THE SECOND MEANS FORSAKING OUR OBJECTIVES AT THE CONFERENCE, IRRITATING A LOT OF COUNTRIES INCLUDING SWITZERLAND, BUT OBVIOUSLY SHOWING OUR DETERMINATION ON THIS ISSUE AND MAKING IT LESS LIKELY TO GAIN SUPPORT IN THE FUTURE. IT DOES, HOWEVER, IMPLICITLY COMMIT US TO WALK OUT OF OTHER CONFERENCES WHERE WE MAY HAVE A GREATER INTEREST THAN IN THIS ONE.

WE PROTEST BUT STAY.

APPROVE DISAPPROVE

WE WALK OUT.

APPROVE DISAPPROVE

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We'll consider
when case
arises